

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NORMAN ORENTREICH, M.D.,

Plaintiff,

v.

WAYNE RICHARD,

Defendant.

CIVIL ACTION No. 04-11349-RGS

**ASSENTED-TO MOTION TO SUBSTITUTE CRAIG R. JALBERT,
LIQUIDATING TRUSTEE, AS PLAINTIFF**

Pursuant to Fed. R. Civ. P. 25(c), Plaintiff Norman Orentreich, M.D. ("Dr. Orentreich") hereby moves to substitute Craig R. Jalbert, Liquidating Trustee (the "Liquidating Trustee") as the plaintiff in this action. As indicated below, this motion is assented-to by the defendant, Wayne Richard ("Mr. Richard"), and by the Liquidating Trustee. As further grounds for this motion, Dr. Orentreich states as follows:

1. On June 13, 2006, in the jointly administered chapter 11 cases captioned *In re Richard-James, Incorporated, R.J. Development Corporation and R.J./O.F., LLC*, Case Nos. 04-10523-RS, 04-10524-RS and 04-10526-RS, the United States Bankruptcy Court for the District of Massachusetts entered its Findings Of Fact, Conclusions Of Law And Order Confirming First Amended Joint Chapter 11 Plan Of Reorganization Of SAFO, LLC And The Official Committee [of] Unsecured Creditors (the "Confirmation Order"), a copy of which is attached hereto as Exhibit A.

2. Pursuant to paragraphs 16 and 54 of the Confirmation Order, on and subject to the occurrence of the Effective Date of the plan of reorganization confirmed by the Confirmation Order, Dr. Orentreich was deemed to have transferred and assigned the claims in this action to

the Liquidating Trustee, and the Liquidating Trustee was deemed substituted for Dr. Orentreich as the plaintiff in this action.

3. The Effective Date of the confirmed plan of reorganization was June 27, 2006. As of the Effective Date, Mr. Jalbert assumed position of Liquidating Trustee.

4. Accordingly, to implement the above-referenced provisions of the Confirmation Order, and with the assent of Mr. Richard and the Liquidating Trustee, Dr. Orentreich seeks an order formally substituting the Liquidating Trustee as the plaintiff in this action, with the case caption hereafter to provide "Craig R. Jalbert, Liquidating Trustee, as successor to Norman Orentreich, M.D., Plaintiff, v. Wayne Richard, Defendant."

WHEREFORE, Dr. Orentreich respectfully requests that this Assented-To Motion To Substitute Craig R. Jalbert, Liquidating Trustee, As Plaintiff be granted.

NORMAN ORENTREICH, M.D.

By his attorneys,

/s/ Paul D. Moore

Paul D. Moore (BBO# 353100)
Bronwyn L. Roberts, (BBO# 638079)
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Assented to by:

CRAIG R. JALBERT, Liquidating Trustee

By his attorneys,

/s/ Andrew Z. Schwartz

Andrew Z. Schwartz (BBO #544653)

Kenneth S. Leonetti (BBO #629515)
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WAYNE RICHARD

by his attorney,

/s/ M. Ellen Carpenter
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Dated: July 12, 2006

Local Rule 7.1 Certification

I, Paul D. Moore, counsel for plaintiff Norman Orentreich, M.D., hereby certify that I have conferred with counsel for all parties in this action and that all parties have indicated their assent to this motion.

/s/ Paul D. Moore

Dated: July 12, 2006

Paul D. Moore

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the following, which were filed via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 12, 2006:

1. Assented-To Motion To Substitute Craig R. Jalbert, Liquidating Trustee,
As Plaintiff; and
2. this Certificate of Service.

/s/ Paul D. Moore

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July 12, 2006